

Abraham Lincoln papers

Abraham Lincoln, Preliminary Emancipation Proclamation¹, September 22, 1862

¹ The text of this Preliminary Proclamation was printed and distributed in the State Department circular whose text is given here. This copy of the circular belonged to Lincoln, who clipped two paragraphs of its text to paste into the manuscript of his final version (see his handwritten note).

CIRCULAR.

DEPARTMENT OF STATE,

Washington, September 22, 1862.

To the diplomatic and Consular Officers of the United States in foreign countries:

GENTLEMEN: You will receive by the post which conveys this despatch evidences that the aggressive movement of the insurgents against the loyal States is arrested, and that the renewed and reinvigorated forces of the Union are again prepared for a new and comprehensive campaign. If you consult the public journals you will easily learn that the financial strength of the insurrection is rapidly declining, and that its ability to bring soldiers into the field has been already taxed to its utmost. You will perceive, on the other hand, that the fiscal condition of the country is sound, and that the response to the calls for new levies is being made promptly, without drawing seriously upon the physical strength of the people.

I have heretofore indicated to our representatives abroad the approach of a change in the organization of society in the insurrectionary States. That change continues to reveal itself more distinctly every day. In the judgment of the President the time has come for setting forth the great fact distinctly for the serious consideration of the people in those States, and for giving them to understand that if they will persist in forcing upon the country a choice between the dissolution of this necessary and beneficent Government or a relinquishment of the protection of slavery, it is the Union, and not slavery, that must be maintained and preserved. With this view the President has issued a proclamation in which he gives notice that slavery will be no longer recognized in any State which shall be found in armed rebellion on the first of January next. While good and wise men of all nations will confess that this is just and proper as a military proceeding for the relief of the country from a desolating and exhausting civil war, they will at the same time acknowledge the moderation

and magnanimity with which the Government proceeds in a transaction of such great solemnity and importance.

I am, gentlemen, your obedient servant,

WILLIAM H. SEWARD.

Preliminary Proclamation from which a scrap was cut to paste onto the final one.²

² This notation at the top of the page on which the Proclamation begins is in Lincoln's hand. It calls attention to a passage from the text that Lincoln had cut out and pasted in the manuscript of his final draft. See Emancipation Proclamation — Final Draft, January 1, 1863.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

I, Abraham Lincoln, President of the United States of America, and Commander-in-chief of the Army and Navy thereof, do hereby proclaim and declare that hereafter, as heretofore, the war will be prosecuted for the object of practically restoring the constitutional relation between the United States and each of the States and the people thereof, in which States that relation is or may be suspended or disturbed.

That it is my purpose, upon the next meeting of Congress, to again recommend the adoption of a practical measure tendering pecuniary aid to the free acceptance or rejection of all slave States, so called, the people whereof may not then be in rebellion against the United States, and which States may then have voluntarily adopted, or thereafter may voluntarily adopt, immediate or gradual abolishment of slavery within their respective limits; and that the effort to colonize persons of African descent with their consent upon this continent or elsewhere, with the previously obtained consent of the governments existing there, will be continued.³

³ As indicated by his handwritten note at the top of this page, Lincoln clipped the section of the text that follows in order to paste it into his final draft of the Emancipation Proclamation. The text thus clipped reads:

“That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and

the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

"That the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be, in good faith, represented in the Congress of the United States by members chosen thereto at elections wherein a majority of the qualified voters of such State shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States."

That attention is hereby called to an act of Congress entitled "An act to make an additional article of war," approved March 13, 1862, and which act is in the words and figure following:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the following shall be promulgated as an additional article of war for the government of the army of the United States, and shall be obeyed and observed as such:

"ARTICLE —. All officers or persons in the military or naval service of the United States are prohibited from employing any of the forces under their respective commands for the purpose of returning fugitives from service or labor who may have escaped from any persons to whom such service or labor is claimed to be due, and any officer who shall be found guilty by a court-martial of violating this article shall be dismissed from the service.

"SEC. 2. *And be it further enacted,* That this act shall take effect from and after its passage."

Also to the ninth and tenth sections of an act entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate property of rebels, and for other purposes," approved July 17, 1862, and which sections are in the words and figures following:

"SEC. 9. *And be it further enacted,* That all slaves of persons who shall hereafter be engaged in rebellion against the Government of the United States, or who shall in any way give aid or comfort thereto, escaping from such persons and taking refuge within the lines of the army; and all slaves captured from such persons or deserted by them, and coming under the control of the Government of the United States; and all slaves of such persons found *on [or]*⁴ being within any place occupied by rebel forces and afterwards occupied by the forces of the United States, shall be deemed captives of war, and shall be forever free of their servitude, and not again held as slaves.

⁴ This word is bracketed in the original.

"SEC. 10. *And be it further enacted*, That no slave escaping into any State, Territory, or the District of Columbia, from any other State, shall be delivered up, or in any way impeded or hindered of his liberty, except for crime, or some offence against the laws, unless the person claiming said fugitive shall first make oath that the person to whom the labor or service of such fugitive is alleged to be due is his lawful owner, and has not borne arms against the United States in the present rebellion, nor in any way given aid and comfort thereto; and no person engaged in the military or naval service of the United States shall, under any pretence whatever, assume to decide on the validity of the claim of any person to the service or labor of any other person, or surrender up any such person to the claimant, on pain of being dismissed from the service."

And I do hereby enjoin and order all persons engaged in the military and naval service of the United States to observe, obey, and enforce, within their respective spheres of service, the act and sections above recited.

And the Executive will in due time recommend that all citizens of the United States who shall have remained loyal thereto throughout the rebellion shall (upon the restoration of the constitutional relation⁵

⁵ Lincoln's clipping a section from the text of this document, referred to above, inadvertently truncated the final portion of the text, which was printed on the reverse side. The text thus deleted, as it appears in Lincoln's manuscript copy, is as follows:

"between the United States, and their respective states, and people, if that relation shall have been suspended or disturbed) be compensated for all losses by acts of the United States, including the loss of slaves.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington, this twenty second day of September, in the year of our Lord, one thousand eight hundred and sixty two, and of the Independence of the United States, the eighty seventh.

By the President: ABRAHAM LINCOLN

WILLIAM H. SEWARD, Secretary of State." (*Collected Works*, V, 436.)